

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL REYES-VILLANUEVA,

Plaintiff,

v.

TYSON POUG, *et al.*,

Defendants.

Case No. 1:24-cv-00493-JLT-EPG (PC)

ORDER REQUIRING RESPONSE FROM  
PLAINTIFF AS TO INCARCERATED  
STATUS

Plaintiff Michael Reyes-Villanueva proceeds *pro se* and *in forma pauperis* in this civil rights action filed under 42 U.S.C. § 1983. (ECF Nos. 1, 4). Plaintiff alleges that Defendants were deliberately indifferent to his serious medical needs after he fell from his top bunk bed. Further, he alleges that Defendant Tyson Poug was deliberately indifferent to his safety needs because Poug failed to provide a means—*e.g.*, a ladder—for Plaintiff to climb to his top bunk bed.

Plaintiff's complaint is ready for screening to determine if Plaintiff states a claim upon which relief may be granted. However, before screening the case, the Court will require a response from Plaintiff regarding his incarceration status at the time of the events alleged in the complaint. Specifically, it is not clear whether Plaintiff was a pretrial detainee, *i.e.*, not yet convicted of a crime, or if he was a convicted prisoner. This distinction can be important as to the legal standards that may apply in this case. *See Gordon v. Cnty. of Orange*, 888 F.3d 1118, 1124 (9th Cir. 2018) (noting standards for claims of inadequate medical care by pretrial detainees).

1 Accordingly, IT IS ORDERED that, by no later than November 18, 2024, Plaintiff shall  
2 file a statement with the Court, advising whether he was (1) a pretrial detainee or (2) convicted  
3 prisoner at the time of the events alleged in the complaint.

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5 IT IS SO ORDERED.

6 Dated: November 4, 2024

/s/ Eric P. Goss  
7 UNITED STATES MAGISTRATE JUDGE  
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